



## SENTENCING IN WISCONSIN

### Snapshots of Information on Wisconsin Sentencing

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#### Offender Risk Assessment Factors Considered in Sentencing Guideline Worksheets, February 2003-June 2004

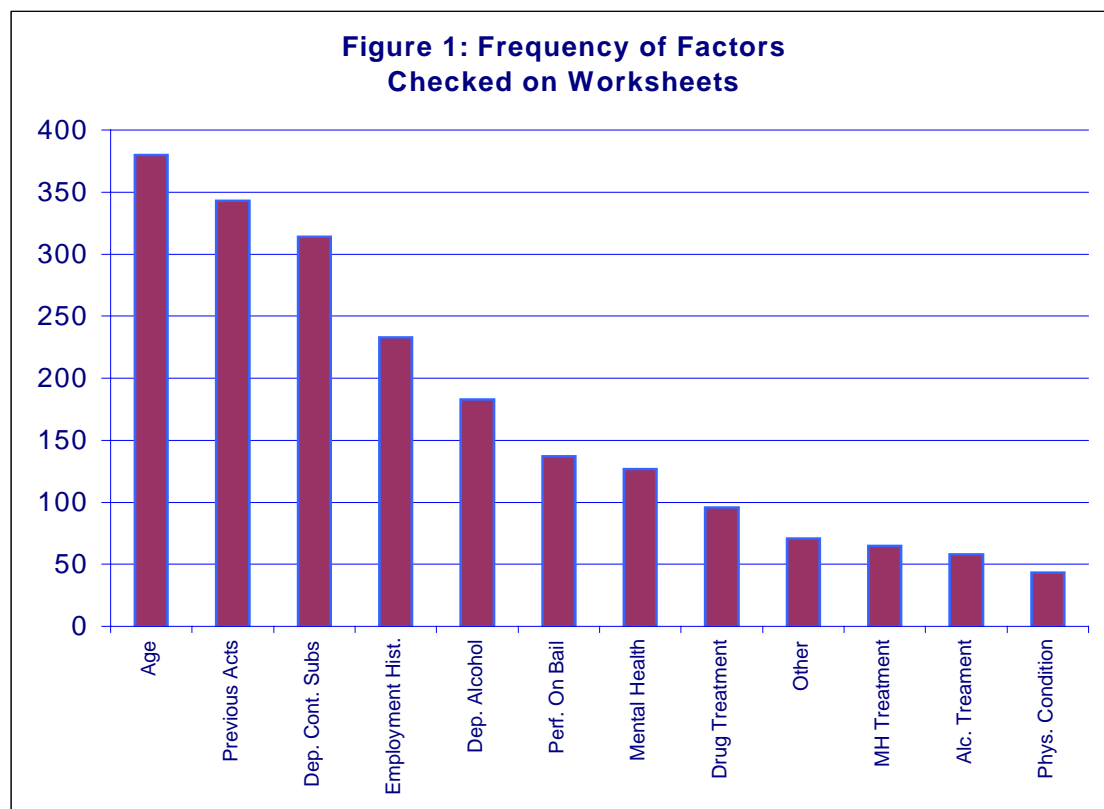
**Joe Fontaine, Research Analyst**

The Wisconsin Sentencing Commission collects and records state sentencing data on worksheets submitted for the eleven most frequently committed felony offenses, as of 1999<sup>1</sup>. The data system was instituted for these offenses occurring on or after February 1, 2003. Section II-A of the Sentencing Guidelines worksheets lists 11 factors that may be relevant to judges in determining the offender's potential future risk to public safety, or their Risk Assessment.

The format of the worksheets does not allow determinations of the directional effects of the factors (i.e. whether the presence of the factor aggravated or mitigated the final assessment). However, the relative frequency by which individual factors are checked can be totaled and used to ascertain the

most prevalent factors and the general trends of risk assessment determinations.

Figure 1 shows the frequency by which each of the 11 factors was checked on the 835 worksheets submitted to the Commission as of June 1, 2004<sup>2</sup>. "Age" was checked most often, on 380 sheets, 45% of the total. "Previous Acts" appeared on 343 sheets, and "Dependence on Controlled Substances" on 314. "Physical Condition" appeared the least frequently, 43 times, but still appeared



on 5% of all worksheets. “Dependence on Controlled Substances” and “Dependence on Alcohol” were the two most frequently associated factors. Both appeared on 130 sheets, 16% of the total.

The factors regarding treatment of controlled substances, alcohol, and mental health were notably less prevalent than their respective afflictions. Drug and alcohol dependencies were factors more than three times as often as their respective treatments, mental health issues about twice as often as mental health treatment.

Treatment was not frequently reported in Milwaukee County. While 58% of cases in which dependence on controlled substances was a factor were from the county, in line with the overall proportion of 56%, only 30% of worksheets in which “Mental Health Treatment” was a factor and 24% of worksheets in which “Alcohol Treatment” was a factor originated in Milwaukee County.

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<sup>1</sup> The guidelines worksheets and their companion notes can be accessed at <http://wsc.wi.gov/section.asp?linkid=4&locid=10>.

<sup>2</sup> Based on comparisons with Department of Corrections data, the Commission estimates the rate of return for the worksheets to date to be about 40% of all guideline offense cases except theft, for which a comparable set of total cases could not be established. Although this data set is sufficiently large to generate meaningful results, it is not a randomly selected sample or the total universe of cases from the period. Therefore, any statistical conclusions are suggestive rather than definitive.